



NOTICE OF DECISION
Development Services Department

Project Name:	Barzal Tentative Parcel Map and Hygeia Residence (Parcel 1) Time Extension
Request:	Time Extension for an approved Tentative Parcel Map and Coastal Development Permit for the subdivision of one lot into two lots, the construction of a new single-family residence on Lot 1; and the placement of a temporary construction trailer on Parcel 2 of the subdivision (Development Services Decision No. DSD-2020-45 (Case No. MULTI-003363-2019))
Discretionary Actions:	Tentative Parcel Map Extension (EXT) Coastal Development Permit (CDP)
CEQA Determination:	Exempt
DECISION:	APPROVED
Project Number:	MULTI-005868-2022; CDPNF-005869-2022; and EXT-005870-2022
DSD Number:	2023-27
Location:	806 Hygeia Avenue
Community:	Leucadia
APN:	256-040-76
Applicant:	Deborah Shewaga
Representative:	Deborah Shewaga
Project Planner:	Melissa Vasquez, Assistant Planner mvasquez@encinitasca.gov
Decision Date:	May 5, 2023
Report Approval:	<input checked="" type="checkbox"/> Katie Innes, Planning Manager <input checked="" type="checkbox"/> J. Dichoso, AICP, Senior Planner

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PROJECT DESCRIPTION

The applicant proposes to extend an approved Tentative Parcel Map (TPM) and Coastal Development Permit (CDP) for a period of one-year. The TPM and CDP authorized the subdivision of one lot into two lots and the construction of a new single-family residence on Parcel 1 (Case No. MULTI-003363-2019), and the placement of a temporary construction trailer on Parcel 2, for a site located at 806 Hygeia Avenue in the Leucadia community area.

Encinitas Municipal Code (EMC) Sections 24.60.060 (Expiration and Extension of Tentative Parcel Map), and 30.80.164 (Extension of Coastal Development Permit) allow for the extension of approved Tentative Parcel Map and Coastal Development Permit applications. The applicant is not proposing any modifications to the approved project or adding/modifying conditions of the approved Tentative Parcel Map and Coastal Development Permit.

PROJECT ANALYSIS

Background

Development Services Decision No. DSD-2020-45 (Case No. MULTI-003363-2019) dated October 27, 2020, approved the subdivision of one existing lot into two new legal lots, the construction of a new single-family dwelling on Parcel 1 of the subdivision map; and authorized the placement of a temporary construction trailer on Parcel 2 of the subdivision. The TPM approval expired on October 27, 2022.

Both parcels will take access from Hygeia Avenue. Grading is proposed for the creation of future residential pads on Parcels 1 and 2.

The two-lot subdivision complies with all applicable policies of the General Plan, Local Coastal Program, and provisions of the Municipal Code. All utilities and services are available to serve the site.

The following building and grading permits are associated with the subdivided lots and are being processed concurrently. The permits below would be issued following the approval of the Time Extension and recordation of the final map.

Parcel	Building Permit – Single-Family Residence	Building Permit - Accessory Dwelling Unit	Grading Permit – Parcels 1 and 2
1	BLDR-015922-2021	BLDR-015962-2021	LDEV-013502-2020 issued October 10, 2023
2	BLDR-015924-2021	BLDR-015963-2021	

Project Site Characteristics

The project site was a vacant parcel and is located within the community of Leucadia. The area was primarily developed in the 1960s and the 1970s and includes primarily single-family homes. The proposed subdivision includes two new legal parcels with lot sizes and setbacks consistent with the R-8 Zone, and consistent with the surrounding residential neighborhood.

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The table below summarizes the General Plan Land Use Designation, Zoning District, Special Purpose Overlay Zones, and other notable City plans that regard the project site:

General Plan	Residential 8 (R-8)
Specific Plan	None
Zoning District	R-8
Zoning Overlay	Coastal Overlay Zone
Other Key City Plan	None
Notable State or Regional Plan and Law	None

Adjacent Area

The immediately surrounding area around the project site is developed and consists primarily of single-family homes.

Direction	General Plan and Zoning District	Land Use
North	Residential 8 (R-8) /R-8	Single-Family Residence
South	Residential 8 (R-8) /R-8	Single-Family Residence
East	Residential 8 (R-8) /R-8	Single-Family Residence
West	Residential 8 (R-8) /R-8	Single-Family Residence

General Plan Consistency

The City of Encinitas General Plan includes goals and policies that guide development and land use within the City. A discussion of how the project is consistent with applicable General Plan policies is summarized below:

General Plan Land Use Designation	Explanation of Project Conformance
<p>LAND USE ELEMENT:</p> <p><u>Residential 8</u></p> <p>Residential land uses in this category will be single-family detached units constructed at lower densities. This land use designation permits the construction of one dwelling unit with a minimum lot size of 5,400 square feet.</p>	<p>The proposed two-lot subdivision is consistent with the Residential 8 General Plan designation. The property is being subdivided in accordance with the allowable density and lot size. The parcels meet the panhandle lot width, exceed the minimum net lot area of 5,400 square feet and exceed the required minimum lot width of 60 feet, and lot depth of 90 feet.</p>
<p>LAND USE POLICY 1.12: The residential character of the City shall be substantially single-family detached housing.</p>	<p>The time extension will allow a previously approved tentative parcel map to create lots for single-family residences consistent with this policy and with the R-8 zoning standards, which contemplates lower density suburban development consisting of single-family detached units.</p>

Municipal Code Analysis

Below is a table summarizing how the proposed project meets the applicable zoning standards for the R-8 Zone. The applicant is not proposing any modifications to the approved project, nor

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adding/modifying any conditions of approval for the project, therefore, the project will maintain consistency with the R-8 development standards, as determined by Development Services Decision No. DSD-2020-45 (Case No. MULTI-003363-2019) dated October 27, 2020, and as outlined below:

Development Standard	Project Proposed	Complies?
Net Lot Area - 5,400 square feet minimum	Parcel 1: 0.144 net acre (6,300 square feet) Parcel 2: 0.208 net acre (9,093 square feet)	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Lot Depth - 90 feet	Parcel 1: 115 feet Parcel 2: 122.7 feet	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Lot Width - 60 feet	Parcel 1: 83.2 feet Parcel 2: 100.4 feet	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Panhandle - 20 feet	Parcel 2: 20 feet	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Front Yard Setback – 25 feet	Parcel 1: 25 feet-2 inches Parcel 2: See CDP-003366-2019.	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Rear Yard Setback – 25 feet	Parcel 1: 25 feet-2 inches Parcel 2: See CDP-003366-2019	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Interior Side Yard Setback- 5/10 feet	Parcel 1: 12 feet on the south side, 5 feet-2 inches on the north and east side Parcel 2: See CDP-003366-2019	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Lot Coverage - 40 percent	Parcel 1: 35 percent Parcel 2: See CDP-003366-2019	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
FAR- 60 percent	Parcel 1: 44 percent Parcel 2: See CDP-003366-2019	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Parking - Single-family residence > 2,500 square feet: Two enclosed spaces within a garage and one additional enclosed or unenclosed parking space	Parcel 1: Two enclosed within a garage and one unenclosed parking space. Parcel 2: See CDP-003366-2019	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Allowable Density- 8 dwelling units/net acre: 8 maximum dwelling units (0.353 acres x 8 du/acre = 2.8 du (round down) = 2 dwelling units)	Two new parcels are being created. Two future homes are anticipated. The proposed project includes the construction of one single-family dwelling on Parcel 1. One single-family dwelling is proposed for Parcel 2 under a separate application (CDP-003366-2019).	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

Time Extension

EMC Sections 24.60.060.B and 30.80.164 (Extension of Coastal Development Permit) allow for the extension of an approved Tentative Parcel Map and Coastal Development Permit applications, as summarized below.

- EMC Section 24.60.060B states upon application received prior to the expiration of the tentative parcel map, the Director may extend the time of expiration for a period not to

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exceed one-year from the date of expiration of the tentative parcel map. No more than three (3) such time extensions may be granted to any tentative parcel map. The Director shall consider the current circumstances of the subdivision, the site, and the surrounding area. The tentative parcel map for which an extension is granted and conditions of approval shall remain substantially unchanged from the tentative parcel map as originally approved. A need to alter or add conditions, attach additional development fees, or alter map design or number of units shall be grounds for denial of the time extension; the applicant may file for a new tentative parcel map review and approval.

- EMC Section 30.80.164 (Extension of Coastal Development Permit) states upon application to the Director and good cause having been shown, and that there are no changed circumstances that would affect the development's consistency with the certified Local Coastal Program, the Director may, on one or more occasions, extend the expiration period on the coastal development permit. A request for such an extension shall be filed with the Director at least 15 days prior to the expiration of the coastal development permit, together with the required application fee and evidence of the applicant's continued legal interest in the property. However, the total of all extensions shall not exceed a period of two years.

Development Services Decision No. DSD-2020-45 (Case No. MULTI-003363-2019) dated October 27, 2020, authorized the subdivision of one existing lot into two new legal lots, the construction of a new single-family dwelling on Parcel 1; and authorized the placement of a temporary construction trailer on Parcel 2 of the subdivision.

The subject time extension would not be modifying the original conditions of approval and the project is consistent with the Certified Local Coastal Program. In the time between the approval and the submittal of the extension request, there was no change in City policies which would have conflicted with the project.

Further, EMC Section 30.80.164 (Extension of Coastal Development Permit) allows the Director to determine if a public hearing may be required. EMC Section 2.28.090 (Director of Development Services) states the Director or designee shall make a final determination for extension requests. Therefore, the Director determined that since the subject time extension would not be modifying any original approvals, and there are no changed circumstances that would affect the development's consistency with the Local Coastal Program, no public hearing is required. The proposed time extension will extend the expiration by one year from October 27, 2022, to October 27, 2023.

Local Coastal Program Consistency

The proposed project site is located within the Coastal Zone and adheres to the applicable development standards of the R-8 Zone provided in the Encinitas Municipal Code and the applicable goals and policies of the General Plan, which ensures consistency with the City's adopted Local Coastal Program.

PUBLIC NOTICE AND PARTICIPATION

Public Notice

The Notice of Pending Action on the Time Extension and Coastal Development Permit were mailed on March 9, 2022, to all property owners and occupants within 500 feet of the project site

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and to anyone who requested such notice in writing, in compliance with EMC Sections 30.01.070 and 30.80.080, as applicable. Additionally, as a courtesy, the notice was posted at City Hall and on the Development Services Department's Internet site under "Public Notices." No comments were received in that time period.

ENVIRONMENTAL CONSIDERATIONS

The applicant is requesting a time extension for a previously-approved subdivision creating two lots, and the construction of a single-family residence on Parcel 1 of the subdivision map. The project has been determined to be exempt from environmental review pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15061 (b)(3) (Review for Exemption). This section exempts projects where it can be seen with certainty that there is no possibility that the activity in question (time extension) may have a significant effect on the environment.

The project meets the criteria for this exemption. No historic resources are affected by the construction proposed with the project. None of the exceptions in Section 15300.2 exists. Further, the proposed time extension does not result in any new impacts not previously considered by the prior environmental review, a Final Mitigated Negative Declaration adopted at the October 27, 2020, administrative hearing.

DISCUSSION

The proposed project is in conformance with the General Plan, and EMC Chapters 24.60 (Minor Subdivision - Tentative Parcel Map), 30.16 (Residential Zones) and 30.80 (Coastal Development Permit). Additionally, all public improvements and utility services are available to serve the property. The project meets all of the applicable development standards for the R-8 Zone and the current circumstances of the subdivision, site and surrounding area remain substantially unchanged. In addition, no conditions have been added, no additional fees are required, and the map design is not being altered.

The subject time extension would not be modifying any original approvals, conditions of approval, or project features, and no conditions have been added, no additional fees are required, and the two-lot subdivision is not altered. The project is consistent with all R-8 zone development standards. The proposed project is also consistent with the development character of the surrounding neighborhood.

FINDINGS

Based on the findings for a Tentative Parcel Map Extension as per Encinitas Municipal Code Section 24.60.060 and the aforementioned analysis, the Development Services Department has made the following findings to support the approval, with conditions:

Finding for Extension of a Tentative Parcel Map	Explanation of Finding
EMC Section 24.60.060B states "Upon application received prior to the expiration of the tentative parcel map, the Director may extend the time of expiration for a period not to exceed one (1) year from the date of	No changes to the project are proposed in conjunction with the requested extension of time. No changes in City policy have occurred that would conflict with the project. The Tentative Parcel Map and conditions of approval

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Finding for Extension of a Tentative Parcel Map	Explanation of Finding
<p>expiration of the tentative parcel map. No more than three (3) such time extensions may be granted to any tentative parcel map.</p> <p>The Director shall consider the current circumstances of the subdivision, the site, and the surrounding area. The tentative parcel map for which an extension is granted and conditions of approval shall remain substantially unchanged from the tentative parcel map as originally approved. A need to alter or add conditions, attach additional development fees, or alter map design or number of units shall be grounds for denial of the time extension; the applicant may file for a new tentative parcel map review and approval. (Ord. 92-14)”</p>	<p>will remain as approved under Development Services Decision No. DSD-2020-45 (Case No. MULTI-003363-2019) dated October 27, 2020.</p> <p>This approval will extend the time of expiration of the Tentative Parcel Map by one year to October 27, 2023.</p>

Based on findings for an extension of an approved Coastal Development Permit as per Encinitas Municipal Code Section 30.80.164 and the aforementioned analysis, the Development Services Department has made the following finding to support the approval, with conditions:

Finding for a Coastal Development Permit	Explanation of Finding
<p>Upon application to the Director and good cause having been shown, the Director may, on one or more occasions, extend the expiration period on the coastal development permit if the Director finds that there are no changed circumstances which would affect the development's consistency with the certified Local Coastal Program. A request for such an extension shall be filed with the Director at least 15 days prior to the expiration of the coastal development permit, together with the required application fee and evidence of the applicant's continued legal interest in the property. However, the total of all extensions shall not exceed a period of two years. Upon proper filing of an application for extension, public notice shall be made in accordance with Chapter 30.01 as modified by this chapter. A public hearing may be required. (Ord. 95-04)</p>	<p>A Time Extension for a Coastal Development Permit was filed in a timely manner for Development Services Decision No. DSD-2020-45 (Case No. MULTI-003363-2019) dated October 27, 2020. This is the initial request for a one time extension and no changes are proposed to the project design, nor are any of the original conditions proposed to be modified. The applicant is seeking a one-year time extension, which would extend the expiration date from October 27, 2022 to October 27, 2023. The Director finds that good cause has been shown and no changes to the project or circumstances would occur to impact the consistency with the Local Coastal Program.</p>

CONCLUSION

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The Development Services Department has determined that the time extension for the Tentative Parcel Map for the two-lot subdivision and Coastal Development Permit is consistent with the City's certified Local Coastal Program, including all applicable policies of the General Plan and provisions of the Municipal Code. The subject time extension would not be modifying any original approvals, conditions of approval, or project features, and no conditions have been added, and no additional fees are required. The proposed subdivision and single-family residence is consistent with the General Plan Land Use Designation, and applicable General Plan goals and policies, and the project is consistent with the development standards for the R-8 Zone. Based upon the aforementioned findings and subject to the conditions of approval, the project is hereby approved.

CONDITIONS OF APPROVAL

SPECIFIC CONDITIONS:

SCA The following specific conditions shall be completed and/or fulfilled to the satisfaction of the Development Services Department - Planning:

1. Approval of the Time Extension will expire on October 27, 2023 at 5 p.m., one year after the approval of this project, unless the conditions have been met or an extension of time has been approved pursuant to the Municipal Code.

STANDARD CONDITIONS:

CONTACT THE DEVELOPMENT SERVICES DEPARTMENT REGARDING COMPLIANCE WITH THE FOLLOWING CONDITION(S):

A 04 This project is conditionally approved as set forth on the application and project drawings stamped received by the City on August 7, 2019, consisting of 10 sheets including Title Page (Sheet A0.0), Site Plan (Sheet A0.1), Floor Plans (Sheets A1.0 and A1.1), Roof Plan (Sheet A1.2), Elevations (A2.0 and A2.1), and Tentative Parcel Map (Two Sheets) - all designated as approved by the Development Services Director on May 5, 2023, and shall not be altered without express authorization by the Development Services Department.

A 05 **Approval - General:** All conditions of approval of Development Services Decision No. DSD-2020-45 (Case No. MULTI-003363-2019) dated October 27, 2020 shall remain in full force and effect unless specifically modified herein.

MAPS 03 This approval may be appealed to the City Council within 10 calendar days from the date of this approval pursuant to Chapter 1.12 of the Municipal Code.

DISCLOSURES


This notice constitutes a decision of the Development Services Department only for the discretionary entitlement. Additional permits, such as Building and Grading Permits, may be required by the Development Services Department or other City Departments. It is the property owner's and applicant responsibility to obtain all necessary permits required for the type of project proposed.

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In accordance with the provisions of Municipal Code Section 1.12, the decision of the Development Services Department may be appealed to the City Council within 10 calendar days of the date of this determination. The appeal must be filed, accompanied by a \$406 filing fee, prior to 5:00 pm on the 10th calendar day following the date of this Notice of Decision. Any filing of an appeal will suspend this action as well as any processing of permits in reliance thereon in accordance with Encinitas Municipal Code Section 1.12.020(D)(1) until such time as an action is taken on the appeal. **The action of the Development Services Department may not be appealed to the California Coastal Commission.**

SIGNATURE

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Katie Innes
Planning Manager

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